

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
ex rel. ALBERT LEE #B60072,)	
)	
Petitioner,)	
)	
v.)	No. 10 C 6342
)	
RICK HARRINGTON, ¹)	
)	
Respondent.)	

MEMORANDUM ORDER

Because 28 U.S.C. §2254 ("Section 2254") petitioner Albert Lee ("Lee") had failed to exhaust his state court remedies before he filed his Section 2254 Petition, this Court's October 7, 2010 memorandum order ("Order") dismissed the Petition on that ground.

Now Lee has filed a handprinted "Informational Report" that reflects the adverse disposition of his state proceedings before the Illinois Appellate Court, plus his intention to seek leave to appeal to the Illinois Supreme Court. For Lee's information this Court repeats the last paragraph of the Order, which outlined the procedure that Lee should follow as and when he completes the exhaustion of the state court procedures:

¹ Rick Harrington has succeeded original Respondent Dave Rednour as the Warden at Menard Correctional Center, where habeas petitioner Lee is serving his sentence. Fed. R. Civ. P. ("Rule") 25(d) and Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts provide for Warden Harrington's substitution as respondent, and this Court so orders.

As and when that happens, this Court will not expect Lee to reinvent the wheel by having to refile the Petition or his other current papers in full. Instead he will be given leave to proceed under a new case number, but to incorporate by reference all of his filings in this action, supplementing them appropriately to reflect the outcome of his now-pending state post-conviction review.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

Milton I. Shadur
Senior United States District Judge

Date: July 3, 2013